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EXAMINER

RYAN, PATRICK A

ART UNIT	PAPER NUMBER
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2427

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/675,385	Applicant(s) KARAOGUZ ET AL.	
	Examiner PATRICK A. RYAN	Art Unit 2427	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is made in reply to Response Under 37 CFR 1.111 ("Reply"), filed February 2, 2009. Applicant has amended Claims 1, 11, and 21; no claims have been canceled; and no claims have been added. As amended, Claims 1-31 are presented for examination.

2. In Office Action of June 25, 2008 ("Office Action")

Claims 1-31 were rejected under 35 U.S.C. 103(a) as being unpatentable over Cezeaux et al. (US Patent Publication 2002/0184631) in view of Jaff et al. (US Patent No. 7,281,261).

Continued Examination Under 37 CFR 1.114

3. A request for continued examination under 37 CFR 1.114 was filed in this application after appeal to the Board of Patent Appeals and Interferences, but prior to a decision on the appeal. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on August 25, 2008 has been entered.

Response to Arguments

4. Applicant's arguments, see Reply pages 8-10, with respect to Claims 1, 11, and 21 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al. United States Patent (6,774,926 B1), hereinafter “Ellis” in view of Ludvig et al., United States Patent (7,506,355 B2), hereinafter “Ludvig”.

6. In regards to Claim 1, Ellis teaches A method for providing media in a communication network (the method generally shown in Figs. 15-18 for operating the communications network of Fig. 1 that is further detailed in Fig. 7, as described in Col. 7 Line 33—Col. 8 Line 16, Col. 13 Lines 56-60, and Col. 14 Lines 34-39), the method comprising:

communicating between a first location and a non-broadcast channel provider (Contributor at User Equipment 34 of Fig. 1 (also shown as element 102 of Fig. 7) in communication with Program Schedule Database 54 over Communications Network 40, as shown in Fig. 1 and described in Col. 3 Line 55—Col. 4 Line 41, Col. 4 Lines 59—Col. 5 Line 5. Where communication facilitated by the interface of Fig. 14, as described in Col. 11 Line 46—Col. 12 Line 16);

generating a request from said first location to receive media provided by said non-broadcast channel provider (Contributor schedules programming at Step 220 of

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Fig. 15 using the interface of Fig. 14, as described in Col. 12 Lines 26-43; with further reference to Col. 3 Lines 55-66);

sending the generated request to a media exchange server via the communication network that comprises Internet infrastructure (receive video at intermediate transmission facility at Step 224 of Fig. 15, such as Server 112 of Fig. 7, as described in Col. 12 Lines 44-46);

providing one or both of payment and/or authorization information to said non-broadcast channel provider which provides said information to said media exchange server via the Internet infrastructure (Contributor establishes a password for personal television channel in Option 200 of Fig. 14 to ensure that only the Contributor is able to modify the data associated with the personal channel, as described in Col. 11 Lines 53-64); and

receiving, at a second location that is remote to the first location, said media from a storage location other than said non-broadcast channel provider (Viewer at User Equipment 38 of Fig. 1 (also shown as element 104 of Fig. 7) receiving media from Server 112 according to the schedule provided by Program Schedule Database 54 in accordance with the method of Fig. 17, as described in Col. 13 Line 54—Col. 14 Line 33), the media exchange server arranging for the storage location to push said media to said second location (Program Schedule Database 54 provides media to Viewer according to schedule established by Contributor in accordance with Steps 238-248 of Figs. 17-18, as described in Col. 14 Lines 14-61).

Ellis teaches providing an Option 213 within the interface of Figure 14 to establish a Viewer password, so that only those viewers who login using the password can access the program content (as shown in Fig. 14 and described in Col. 12 Lines 5-7; with further reference to Step 248 of Fig. 18, as described in Col. 15 Lines 30-35). However, Ellis does not does not explicitly teach keeping details corresponding to the second location anonymous with respect to said non-broadcast channel provider.

In a similar field of invention, Ludvig teaches a system and method for tracking end-user content viewing and navigation in a distributed computing environment (Abstract). Ludvig further teaches that the end-user can browse content on the network anonymously by opting out of a logging process so that the user's interactions are not tracked by the log manager (as described in Col. 11 Lines 31-57).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the media distribution method and system of Ellis to allow an end-user to browse media without having their actions tracked, as taught by Ludvig, in order to provide the end-user with the option of protecting their privacy.

7. In regards to Claim 2, the combination of Ellis and Ludvig teaches the method according to Claim 1, comprising presenting a representation of said transferred received media in one or both of a media guide and/or a channel guide at said first location and/or said second location (Ellis teaches Provide Schedules and Program Information at Step 238 of Fig. 17, as described in Col. 14 Lines 24-33; with further reference to the Interactive Television Program Guide of Fig. 9, as described in Col. 9 Line 1—Col. 10 Line 8).

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8. In regards to Claim 3, the combination of Ellis and Ludvig teaches the method according to Claim 1, comprising consuming said received media at said second location (Ellis teaches user television equipment, such as a set-top box, displays the selected program upon selection, as described in Col. 9 Lines 48-67; with further reference to Col. 7 Lines 33-57).

9. In regards to Claim 4, the combination of Ellis and Ludvig teaches the method according to Claim 1, comprising requesting that said received media be transferred from said storage location to said second location (Ellis teaches redistribution of program content from Server 112 to Viewer at User Equipment 104, as described in Col. 7 Lines 38-47, in accordance with Steps 238-248 of Figs. 17-18, as described in Col. 14 Lines 14-61).

10. In regards to Claim 5, the combination of Ellis and Ludvig teaches the method according to Claim 4, comprising transferring an identifier of said second location to said non-broadcast channel provider (Ellis teaches Viewer at User Equipment 104 can be required to enter a password in order to gain access to a personal media channel, as disclosed in Col. 11 Line 53—Col. 12 Line 16, in accordance with Step 248 of Fig. 18, as described in Col. 23-35).

11. In regards to Claim 6, the combination of Ellis and Ludvig teaches the method according to Claim 4, comprising presenting a representation of said transferred received media in one or both of a media guide and/or a channel guide at said second location (Ellis teaches Provide Schedules and Program Information at Step 238 of Fig.

17, as described in Col. 14 Lines 24-33; with further reference to the Interactive Television Program Guide of Fig. 9, as described in Col. 9 Line 1—Col. 10 Line 8).

12. In regards to Claim 7, the combination of Ellis and Ludvig teaches the method according to Claim 4, wherein said media is consumed at said second location (Ellis teaches user television equipment, such as a set-top box, displays the selected program upon selection, as described in Col. 9 Lines 48-67; with further reference to Col. 7 Lines 33-57).

13. In regards to Claim 8, the combination of Ellis and Ludvig teaches the method according to Claim 4, wherein said non-broadcast channel provider authorizes said storage location to transfer said media to one or both of said first location and/or said second location (Ellis teaches Viewer at User Equipment 104 can be required to enter a password in order to gain access to a personal media channel hosted by Data Storage Facility 52, as disclosed in Col. 11 Line 53—Col. 12 Line 16, in accordance with Step 248 of Fig. 18, as described in Col. 23-35).

14. In regards to Claim 9, the combination of Ellis and Ludvig teaches the method according to Claim 1, comprising searching said non-broadcast channel provider for information related to said media according to said generated request (Search Feature 190 of Fig. 13, as described in Col. 11 Lines 26-51, in accordance with Step 228 of Fig. 16, as described in Col. 13 Line 58—Col. 14 Line 4).

15. In regards to Claim 10, the combination of Ellis and Ludvig teaches the method according to Claim 1, comprising selecting said received media for consumption (Ellis teaches Viewers may select programming of interest by highlighting the program titles

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and channels for the desired programming using the Interactive Television Program Guide of Fig. 9, as described in Col. 9 Lines 41-47).

16. In regards to Claim 11, Ellis teaches a machine-readable storage having stored thereon, a computer program having at least one code section that provides media in a communication network (Servers, such as Server 112 or 118, performing tasks related to supporting personal television channel programming in accordance with the methods of Figs. 17 and 18, as described in Col. 13 Lines 56-60 and Col. 14 Lines 34-39), the at least one code section being executable by a machine for causing the machine to perform steps comprising:

setting up communications between a first location and a non-broadcast channel provider over the communication network (Contributor at User Equipment 34 of Fig. 1 (also shown as element 102 of Fig. 7) in communication with Program Schedule Database 54 over Communications Network 40, as shown in Fig. 1 and described in Col. 3 Line 55—Col. 4 Line 41, Col. 4 Lines 59—Col. 5 Line 5. Where communication facilitated by the interface of Fig. 14, as described in Col. 11 Line 46—Col. 12 Line 16);

generating a request from the first location to receive media from said non-broadcast channel provider (Contributor schedules programming at Step 220 of Fig. 15 using the interface of Fig. 14, as described in Col. 12 Lines 26-43; with further reference to Col. 3 Lines 55-66);

providing one or both of payment and/or authorization information to said non-broadcast channel provider which provides said information and said request to a media

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exchange server via the communication network (Contributor establishes a password for personal television channel in Option 200 of Fig. 14 to ensure that only the Contributor is able to modify the data associated with the personal channel, as described in Col. 11 Lines 53-64; with further reference to receive video at intermediate transmission facility at Step 224 of Fig. 15, such as Server 112 of Fig. 7, as described in Col. 12 Lines 44-46); and

receiving, at a second location that is remote to the first location, said media from a storage location other than said non-broadcast channel provider (Viewer at User Equipment 38 of Fig. 1 (also shown as element 104 of Fig. 7) receiving media from Server 112 according to the schedule provided by Program Schedule Database 54 in accordance with the method of Fig. 17, as described in Col. 13 Line 54—Col. 14 Line 33),

Ellis teaches providing an Option 213 within the interface of Figure 14 to establish a Viewer password, so that only those viewers who login using the password can access the program content (as shown in Fig. 14 and described in Col. 12 Lines 5-7; with further reference to Step 248 of Fig. 18, as described in Col. 15 Lines 30-35). However, Ellis does not does not explicitly teach keeping data relating to the second location anonymous with respect to said non-broadcast channel provider.

In a similar field of invention, Ludvig teaches a system and method for tracking end-user content viewing and navigation in a distributed computing environment (Abstract). Ludvig further teaches that the end-user can browse content on the network

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anonymously by opting out of a logging process so that the user's interactions are not tracked by the log manager (as described in Col. 11 Lines 31-57).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the media distribution method and system of Ellis to allow an end-user to browse media without having their actions tracked, as taught by Ludvig, in order to provide the end-user with the option of protecting their privacy.

17. The limitations of Claim 12 have been address with the machine-readable storage of Claim 11 and the method of Claim 2.

18. The limitations of Claim 13 have been address with the machine-readable storage of Claim 11 and the method of Claim 3.

19. The limitations of Claim 14 have been address with the machine-readable storage of Claim 11 and the method of Claim 4.

20. The limitations of Claim 15 have been address with the machine-readable storage of Claim 11 and the method of Claim 5.

21. The limitations of Claim 16 have been address with the machine-readable storage of Claim 11 and the method of Claim 6.

22. The limitations of Claim 17 have been address with the machine-readable storage of Claim 11 and the method of Claim 7.

23. The limitations of Claim 18 have been address with the machine-readable storage of Claim 11 and the method of Claim 8.

24. The limitations of Claim 19 have been address with the machine-readable storage of Claim 11 and the method of Claim 9.

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25. The limitations of Claim 20 have been address with the machine-readable storage of Claim 11 and the method of Claim 10.

26. In regards to Claim 21, Ellis teaches a system for providing media in a communication network (communications network of Fig. 1 that is further detailed in Fig. 7, as described in Col. 7 Line 33—Col. 8 Line 16, Col. 13 Lines 56-60, and Col. 14 Lines 34-39), the system comprising:

at least one processor that provides communications between a first location and a non- broadcast channel provider over the communication network (Contributor at User Equipment 34 of Fig. 1 (also shown as element 102 of Fig. 7) in communication with Program Schedule Database 54 over Communications Network 40, as shown in Fig. 1 and described in Col. 3 Line 55—Col. 4 Line 41, Col. 4 Lines 59—Col. 5 Line 5. Where communication facilitated by the interface of Fig. 14, as described in Col. 11 Line 46—Col. 12 Line 16);

said at least one processor generates a request from the first location to receive media from a non-broadcast channel provider (Contributor schedules programming at Step 220 of Fig. 15 using the interface of Fig. 14, as described in Col. 12 Lines 26-43; with further reference to Col. 3 Lines 55-66);

said at least one processor provides one or both of payment and/or authorization information to said non-broadcast channel provider which provides said information and said request to a media exchange server via the communication network (Contributor establishes a password for personal television channel in Option 200 of Fig. 14 to

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ensure that only the Contributor is able to modify the data associated with the personal channel, as described in Col. 11 Lines 53-64; with further reference to receive video at intermediate transmission facility at Step 224 of Fig. 15, such as Server 112 of Fig. 7, as described in Col. 12 Lines 44-46); and

said at least one processor receives, at a second location that is remote to the first location, said media from a storage location other than said non-broadcast channel provider (Viewer at User Equipment 38 of Fig. 1 (also shown as element 104 of Fig. 7) receiving media from Server 112 according to the schedule provided by Program Schedule Database 54 in accordance with the method of Fig. 17, as described in Col. 13 Line 54—Col. 14 Line 33).

Ellis teaches providing an Option 213 within the interface of Figure 14 to establish a Viewer password, so that only those viewers who login using the password can access the program content (as shown in Fig. 14 and described in Col. 12 Lines 5-7; with further reference to Step 248 of Fig. 18, as described in Col. 15 Lines 30-35). However, Ellis does not does not explicitly teach keeping identity data corresponding to the second location anonymous with respect to said non-broadcast channel provider.

In a similar field of invention, Ludvig teaches a system and method for tracking end-user content viewing and navigation in a distributed computing environment (Abstract). Ludvig further teaches that the end-user can browse content on the network anonymously by opting out of a logging process so that the user's interactions are not tracked by the log manager (as described in Col. 11 Lines 31-57).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the media distribution method and system of Ellis to allow an end-user to browse media without having their actions tracked, as taught by Ludvig, in order to provide the end-user with the option of protecting their privacy.

27. The limitations of Claim 22 have been address with the system of Claim 21 and the method of Claim 2.

28. The limitations of Claim 23 have been address with the system of Claim 21 and the method of Claim 3.

29. The limitations of Claim 24 have been address with the system of Claim 21 and the method of Claim 4.

30. The limitations of Claim 25 have been address with the system of Claim 21 and the method of Claim 5.

31. The limitations of Claim 26 have been address with the system of Claim 21 and the method of Claim 6.

32. The limitations of Claim 27 have been address with the system of Claim 21 and the method of Claim 7.

33. The limitations of Claim 28 have been address with the system of Claim 21 and the method of Claim 8.

34. The limitations of Claim 29 have been address with the system of Claim 21 and the method of Claim 9.

35. The limitations of Claim 30 have been address with the system of Claim 21 and the method of Claim 10.

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36. In regards to Claim 31 the combination of Ellis and Ludvig teaches the system according to claim 21, wherein said at least one processor is one or both of a media processing system processor, a media management system processor, a computer processor, a media exchange software processor and/or a media peripheral processor (Ellis teaches that Servers such as 112 and 116 are media management system processors, as disclosed in Col. 7 Lines 33-63 and shown in Fig. 7).

Conclusion

37. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PATRICK A. RYAN whose telephone number is (571)270-5086. The examiner can normally be reached on Mon to Thur, 8:00am - 5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/P. A. R./
Examiner, Art Unit 2427
Monday, April 13, 2009

/Scott Beliveau/
Supervisory Patent Examiner, Art Unit 2427